

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

STEPHEN S. EDWARDS,

Case No. 18-CV-1066 (NEB/DTS)

Plaintiff,

v.

ORDER ACCEPTING
REPORT AND RECOMMENDATION

FINNANCIAL RECOVERY SERVICES
(FRS) INC., BARCLAYS BANK INC.,
and JOHN and JANE DOE'S x10,

Defendants.

The Court has received the August 7, 2019 Report and Recommendation ("R&R") of United States Magistrate Judge David T. Schultz. [ECF No. 96.] The R&R recommends that the Court: (1) grant defendant Financial Recovery Services, Inc.'s ("FRS") Motion for Summary Judgment, and dismiss all claims against FRS with prejudice; (2) in the alternative, dismiss this case with prejudice for plaintiff Stephen S. Edwards's failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure, and (3) deny Edwards's re-submitted "Motion to Strike Defendants Motionm [sic] to Dismiss and for This Court to issue Order For Rule 12(c) Judgment Against Both Defendants for Lying to this Court." (*Id.* at 8-9.) On August 28, 2019, the Court extended the deadline for Edwards to file a response to the R&R to September 11, 2019. [ECF No. 98.] On September 3, 2019, and September 10, 2019, Edwards filed an "Objection to Court's Findings Because They are Frivolous – Plaintiffs 2nd request for 12(c) Judgment against Barclays." [ECF Nos. 100

and 101¹.] The Court reviews Edwards's objections to the R&R only for clear error because the objections provide no substantive rebuttal to the merits of the R&R. Instead, Edwards appears merely to be asking the Court to reconsider the dismissal of his claims against the defendant Barclays Bank Delaware. He states no reason why the R&R was incorrect. Courts will review objections for clear error when a party objects but "does not cite any reason why the Magistrate Judge's determination was incorrect, nor any basis for th[e] Court to reach a different outcome." *Reed v. Curry Concrete Const., Inc.*, No. CIV. 10-4329 JRT/LIB, 2011 WL 2015217, at *2 (D. Minn. May 23, 2011) (citations omitted).

The Court has reviewed the pleadings and the R&R and finds no merit to Edwards's objections. Edwards fails to raise any genuine issues of material fact that preclude summary judgment in favor of FRS. The Court finds no clear error regarding the R&R's analysis of the facts or law in FRS's motion for summary judgment or Edwards's motion to strike. Moreover, the Court agrees with the Magistrate Judge that Edwards's failure to prosecute supports dismissal of this matter with prejudice under Rule 41(b).

Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

¹ The case docket states that ECF No. 101 is a duplicate entry, likely because Edwards's objections in ECF No. 100 and ECF No. 101 are substantively identical. The Court notes that ECF No. 100 includes Edwards's electronic signature; ECF No. 101 is signed by Edwards's hand.

1. Plaintiff's objections to the R&R [ECF No. 100 and 101] are OVERRULED;
2. The Report and Recommendation [ECF No. 96] is ACCEPTED;
3. FRS's Motion for Summary Judgment [ECF No. 73] is GRANTED;
4. Edwards's "Motion to Strike Defendants Motionm [sic] to Dismiss and for This Court to issue Order For Rule 12(c) Judgment Against Both Defendants for Lying to this Court" [ECF No. 92] is DENIED; and
5. This matter is DISMISSED WITH PREJUDICE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 26, 2019

BY THE COURT:

s/Nancy E. Brasel
Nancy E. Brasel
United States District Judge